

BILL NO. Z-86-12-23

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. L-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated an M-1 (Light Industrial) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana:

Lots 1 through 6 Rinehart's Addition as recorded in
Deed Record 10, Page 2 and Lots 1 through 5 Spereisen's
Addition as recorded in Deed Record 10, Page 9, to the
City of Fort Wayne, Allen County, Indiana,
and the symbols of the City of Fort Wayne Zoning Map
No. L-2, as established by Section 11 of Chapter 33 of the
Code of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Eisner
seconded by Stier, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort W.
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ M.

DATE: 12-23-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Talarico, and duly adopted, placed on
passage. ~~PASSED~~ (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>8</u>	_____	<u>1</u>	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GIAQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	<u>✓</u>	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 1-13-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the 13th day of January, 1987

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the _____ day of _____, 19____
at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 1149

FT. WAYNE, IND., 11/10/46

RECEIVED FROM Home West Systems, Inc. \$ 50.00

THE SUM OF Fifty Dollars DOLLARS

ON ACCOUNT OF 800 Taylor Street
Regon front R-3 lot 11-1 West lot
King

AUTHORIZED SIGNATURE

THIS IS TO BE FILED IN DUPLICATE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

I/We WILLIAM NIELSON

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R3 District to a/an M-1 District the property described as follows:

Lots 1 through 6 Rinehart's Addition as recorded in Deed Record 10, Page 2 and

Lots 1 through 5 Spereisen's Addition as recorded in Deed Record 10, Page 9, to

the City of Fort Wayne, Allen County, Indiana.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 800 Taylor Street, Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

General Electric Company

Mgr.-Motor Manufacturing Dept.
1635 Broadway, PO Box 2204
Fort Wayne, IN 46801-2204

Donald R. Bussick

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

William Nielson
Acme Waste Systems

809 Taylor Street
Fort Wayne, IN 46804

744-4128

(Name)

(Address & Zip Code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 23, 1986 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-12-23; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 15, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

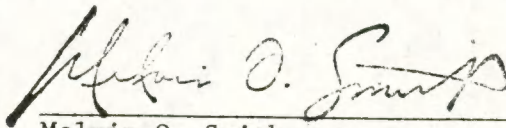
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 22, 1986.

Certified and signed this
26th day of December 1986.


Melvin O. Smith
Secretary

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. 1

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Map Amendment 3-26-12-23

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 800 Taylor Street

EFFECT OF PASSAGE Property is now zoned R-3 - Multi-Family Residential.

Property will become M-1 - Light Industrial.

EFFECT OF NON-PASSAGE Property will remain R-3- Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

Division of Community Development & Planning

FACT SHEET

Z-86-12-23

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment

From R-3 to M-1

DETAILS

Specific Location and/or Address

800 Taylor Street

Reason for Project

Expansion of Acme Waste Systems

Discussion (Including relationship to other Council actions)

15 December 1986 - Public Hearing

Due to the length of the discussion at the public hearing the minutes are attached for your information.

22 December 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the 7 members present 6 voted in favor of denial one (1) did not vote.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s)

Acme Waste Systems

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**

☐ For ☒ Against

Reason Against

severe adverse impact on area not in the best interest of maintaining property values

**Board or
Commission
Recommendation**

By

☐ For ☒ Against
☐ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 10 November 1986

Projected Completion or Occupancy

Date 26 December 1986

Fact Sheet Prepared by

Patricia Biancaniello

Date 26 December 1986

Reviewed by

Date

12/29/86

Reference or Case Number

15 December 1986 - Public Hearing Minutes

Bill NO. Z-86-12-23 - From R-3 to M-1
800 Taylor Street

Pat Arata, attorney representing the petitioner, Mr. Nielsen owner of Acme Waste Systems, appeared before the Commission. Mr. Arata stated that Acme Waste presently is located across the street from the proposed rezoning on the south side. He stated that the property is presently a parking lot. He stated that Acme Waste has grown in the last year and they need to expand their facility. He stated that by allowing the zoning change they can use the property in question for the storage of new and rebuilt containers, overnight storage of the hauling fleet and eventually what they would like to do is build a truck service garage. He stated that where they are presently located the facility does not meet their needs as they continue to grow. He stated that their present location has a dangerous blind spot and in order to get their vehicles out they have to move through the neighborhood. He stated by moving across the street it would be safer traffic wise. He stated that no trash is going to be stored on the premises it is always taken to the dumps each day. He stated that this company has been in the same neighborhood for approximately 41 years. He stated it started as a coal company and then in 1952 it became a fuel oil company and in 1955 it became a refuse removal company. He stated that all of the other properties that abut the railroad track are classified

industrially. He stated that he believed the property is also located in the enterprise zone.

Steve Smith questioned if they did any work for or with GE.

Mr. Arata stated that the work is in no way related to GE. He stated that GE owns the property and are willing to sell it to Acme if it is rezoned. He stated that Acme will maintain the property on the south side of the street as well but they do need the additional space on the north side rezoned in order to expand their present operation.

Steve Smith questioned if it were possible to locate the additional space needed on the north side of the Norfolk and Western Railroad tracks as is suggested in the staff analysis.

Mr. Arata stated that GE owns all of the property and they have made no offer to sell any of that property.

Mel Smith stated that if this were granted you would have homes directly across the street what would be plans to buffer the view of the trucks and any odor from the residences.

Mr. Arata stated that presently the business on the south side is not really hidden from the neighborhood, it looks that way when you drive down Taylor Street but there are houses next to the present business on the east side and directly behind them on the south side. He said it may be quieter to move the operation to the north side of the street because there aren't houses around on the north side. He stated that in essence it would better for the neighborhood to move part of the operation to the north side of the street. He stated that Acme is willing to do whatever the Commission would like in the way of landscaping and buffering.

Mr. Vincent Wells, President of Poplar Neighborhood Association appeared before the Commission. Mr. Wells stated that they have two concerns. He stated that the people who live in the 700 block of Taylor Street will be looking directly across at the parking lot. He stated that they do not want to be looking at trucks parked containing garbage and trash. He stated that if they could get something in writing that within a certain length of time that they would be able to build what they intend to build and that it would be landscaped so that the people who live in the 700 block of Taylor would have something to look at besides trucks and containers.

Ben Eisbart questioned if the people he represented, specifically the 700 block of Taylor would not be opposed to the rezoning if adequate landscaping were to be done.

Mr. Wells stated that the people that live in the area feel it would be to their advantage if the property was taken care of

properly because it would be better than what they have now. He stated that GE does not maintain it. He stated that GE allows it to be used for placing trash on the property and even after calling and requesting the clean it up they still do not respond.

Robert Phillips, 2006 Fox Avenue stated that he lived directly across the street from the property in question. Mr. Phillips stated that he was not against them putting up a decent place on the property if they maintain it. He stated that he didn't think anyone would want to live across the streets from garbage trucks. He stated that they do not empty them everyday and they will be left with garbage in them over the weekend and there are days when he can hardly sit in his backyard because of the smell. He stated they also do a lot of repair work which makes the area look like a junk yard at times. He stated though if all of this work is enclosed and they can prevent any smell from the trucks and it would add to the neighborhood then he would not oppose the rezoning. He stated though if it will cause property devaluation then he would be opposed.

In rebuttal Mr. Arata stated that if the facility is moved across the street it will actually be further away from more houses and Acme is willing to landscape and work with the neighborhood association.

Herman Friedrich questioned if the Board of Health could require them to empty the trucks and not allow them to sit all weekend. He stated he felt that would constitute a health hazard.

Mr. Nielsen, owner of Acme Waste Systems stated that they do not as a practice keep full trucks of garbage on the property. He stated that if they have had a major breakdown causing the trucks to not make the 4:00 p.m. closing time at the dump site they may have to store the trucks full, but general practice is that the men dump their trucks before they bring them back to store them.

Herman Friedrich questioned if they had any other place to park the trucks if they are not dumped.

Mr. Nielson stated that they have no where else available to them.

Baron Biedenweg questioned how they accessed the property Taylor Street.

Mr. Nielsen stated from the first alley - he stated there are two driveways currently on the property and has a paved U-Turn that goes back into Taylor Street.

Baron Biedenweg questioned that what was on the property is what they would intend to leave as access.

Mr. Nielsen stated they would.

Steve Smith stated that they map shows the property to be 144 feet deep, if you were required to be a 20 foot landscape buffer the length of the property east and west and 20 feet deep north and south 5 or 6 foot high would that still leave enough space to do with the property what you want to.

Mr. Nielsen stated they would.

Steve Smith questioned if there would be an economic hardship if they would have to move from this location in order to expand and purchase property already properly zoned for their use.

Mr. Nielsen stated that they would have to move out of the downtown area, perhaps closer to the landfill. He stated it would create a problem for his employees who live in the area. He stated that the cost would probably be 3 or 4 times higher than where they are presently located.

Ben Eisbart questioned if they move across the street what would they retain on the existing site.

Mr. Nielsen stated they would retain the offices and a garage they would utilize and they would retain two spare trucks on the existing property.

Mel Smith questioned how much painting and maintenance is done on the property.

Mr. Nielsen stated that the painting is done on the outside during the summer months in the winter it is done inside. He stated that maintenance is daily and most of it is done inside in the garage on the property. He stated they only have one garage and it restricts them from painting and doing maintenance at the same time inside.

Ben Eisbart suggested that between now and the business meeting on the 22nd of December that the petitioner meet with the two gentlemen that spoke and with perhaps the staff and perhaps they can work something out.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

BILL NO. Z-86-12-23

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort
Wayne Zoning Map No. L-2

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~) Do Not Pass

YES

NO

JANET G. BRADBURY
CHAIRPERSON

CHARLES B. REDD
VICE CHAIRMAN

THOMAS C. HENRY

PAUL M. BURNS

BEN A. EISBART

CONCURRED IN 1-13-87

Janet G. Bradbury

Charles B. Redd

Thomas C. Henry

Sandra E. Kennedy

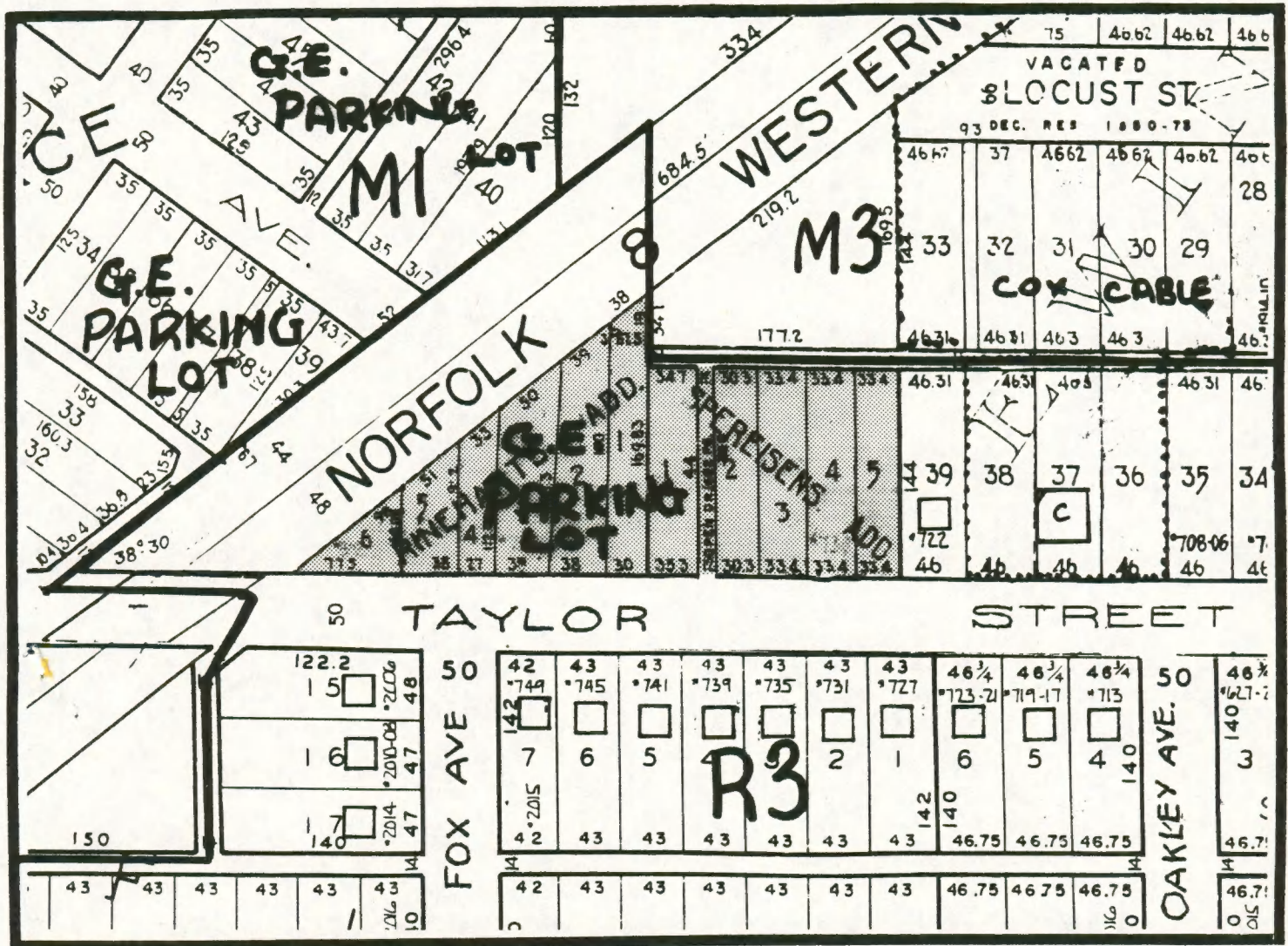
SANDRA E. KENNEDY
CITY CLERK

REZONING PETITION #235

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R3 DISTRICT TO A M-1 DISTRICT.

MAP NO. L-2

COUNCILMANIC DISTRICT NO. 1



ZONING:

R3 RESIDENTIAL DISTRICT
MI LIGHT INDUSTRY
M3 HEAVY INDUSTRY

LAND USE:

☐ SINGLE FAMILY
☒ COMMERCIAL

SCALE: 1"=100'

DATE: 11-24-86

